IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 262 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MRUDULABEN DUSHYANTBHAI AMIN

Versus

ARUNBHAI RAVJIBHAI AMIN

Appearance:

1. Civil Revision Application No. 262 of 1999

MR SUDHANSHU S PATEL for Petitioner No. 1-3

MR MANISH R BHATT for Respondent No. 1-2

DS AFF.NOT FILED (R) for Respondent No. 3-5

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 23/12/2002

ORAL JUDGEMENT

1. This is a Revision Application under section 115 of the Code of Civil Procedure, which will now be governed by the said Code as amended by the Code of Civil

Procedure (Amendment) Act, 1999.

2. The present applicants are the original defendants No. 1,2 and 3 in a suit filed against them by the present respondents No. 1 and 2, viz. Special Civil Suit No. 980 of 1998. It is pertinent to note that the present applicants were defendants No. 1, 2 and 3 respectively whereas the present opponents No. 3, 4 and 5 were respectively defendants No. 4, 5 and 6 in the same suit.

3. In the said suit filed by the plaintiffs, the present applicants as defendants No. 1,2 and 3 filed an application at Exh. 13 under section 10 of Civil Procedure Code for the stay of another suit, viz. Regular Civil Suit No. 1649 of 1998, wherein the only plaintiff was the plaintiff No.1 in the present suit and the defendants were not the same. The trial Court, after hearing the parties, rejected the said application. Hence the present Revision.

4. It is obvious that even if the present applicants' application before the trial Court had been granted, it would not have disposed of the proceedings of Special Civil Suit No.980 of 1998 in which the application was given. It is, therefore, obvious that this Revision is not maintainable in view of the amended section 115 of the Code of Civil Procedure. This Revision is, therefore, dismissed. Rule is discharged with no orders as to costs.

[Y.B. BHATT, J.]

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